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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/629,117
Filing Date: July 31, 2000
Appellant(s): MARANTZ ET AL.

Jason Feldmar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 1, 2005 appealing from the Office action mailed August 19, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6182010 Berstis 01-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 11-12, 23-24, 35-37, 41, 45, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,182,010 issued to Berstis.

Regarding claim 11, Berstis teaches a system for accessing geographic information comprising:

(a) a personal digital assistant (figure 1);

(b) an application on the personal digital assistant, the application configured to

(i) request map data from a server (figure 3; col. 4, line 57 to col. 5, line 2);

(ii) receive the map data in a mapset constructed prior to the server receiving the request, wherein the mapset comprises map data for two or more maps (abstract; figure 5; col. 4, line 65 to col. 5, line2; col. 5, line 53 to col. 6, line 14; col. 7, lines 13-20);

(iii) format the map data (col. 2, lines 20-25);

(iv) display the map data on a screen of the personal digital assistant (col. 2, lines 52-60).

Although Berstis does not explicitly teach that the map data is requested from the servlet, he discloses the server in which the map data is requested from contains software programs including servlets (col. 4, line 45). One of ordinary skill in the art at the time the invention was made would have been motivated to employ a servlet to process request because it has the capability to extend web servers by generating dynamic web contents, therefore making the system more flexible.

Regarding claim 12, although Jin does not explicitly teach the system of clam 11 wherein the request is a 'GET' HTTP request, it is well known in the art that a servlet is program that runs as part of a network service, typically an HTTP server and responds to requests from clients. In this case, since the PDA requests map data from a servlet, it must do so by a GET HTTP request.

Claims 23-24 have similar limitations as claims 11-12, therefore are rejected under the same rationale.

Claims 35-37 have similar limitations as claims 11-12, therefore are rejected under the same rationale.

Claims 41, 45 and 49 have similar limitations as claim 11, except for the fact that the mapset is constructed in a parallel on multiple CPU's. Although not explicitly taught in Berstis,

regardless of whether the mapset was constructed in one or multiple CPUs, it would have been matter of design choice.

(10) Response to Argument

In response to Appellant's argument that Berstis does not teach, disclose or suggest a PDA receiving a mapset containing data for multiple maps, wherein the mapset was constructed prior to the PDA requesting the data, the Patent Office respectfully submits that this is being taught in figure 5 of Berstis. Figure 5 illustrates a map as well as a photographic image of a physical area of a location.

Appellant argues that the photo taught by Berstis is not equivalent to a map. In response to Appellant's argument, attached is an MSN Encarta Dictionary which defines a map as "a geographic diagram: a visual representation that shows all or part of the Earth's surface with geographic features, urban areas, roads, and other details." Berstis' photo in figure 5 clearly illustrates a geographic feature of roads and other details. Therefore, the photo is broadly interpreted as a map, and the combination of the photo and the map is interpreted as a "mapset."

As to whether or not the mapset was constructed prior to the PDA requesting the data, col. 2, lines 43-51 of Berstis discloses image contents being collected and stored on given physical media such as a server, which is transferred to a user's computer for display. Col. 4, line 65 to col. 5, line 2 of Berstis teaches maps, which include contents such as a photographic image that may be downloaded from a server in the network, or alternately, such content may be pre-recorded on a storage medium. The fact that the contents are prerecorded and can be downloaded clearly implies that these images are created prior to the PDA requesting the data.

In response to Appellant's argument that Berstis fails to teach a *combined* mapset that is constructed prior to receiving a request from a PDA, it is noted that the feature upon which Appellant relies (i.e., combined mapset, mapset constructed together) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Appellant's argument in regards to dependent claims 12, 24, and 36 that Berstis cannot teach a GET HTTP request for requesting such map data, although not explicitly disclosed by Berstis, this feature is known in the art and is suggested by Bertis. As stated above, Berstis discloses the server in which the map data is requested from contains software programs including servlets (col. 4, line 45). As known in the art, by definition, a servlet is a Java program that runs as a part of a network service, typically an **HTTP server** and *responds to requests* from clients (see FOLDOC.org attached). In this case, since the PDA requests map data from the servlet, a GET request must be used.

In response to Appellant's argument that Berstis fails to describe constructing a mapset in a parallel on multiple CPU's, the PTO respectfully submits that although not explicitly taught in Berstis, regardless of whether the mapset was constructed in one or multiple CPUs, it would have been matter of design choice. One of ordinary skill in the art could easily construct the mapset in parallel on multiple CPU's without involving all inventive concept and without producing unexpected result, which would have been obvious matter of choice, which court held unpatentable (See MPEP 2144.04 (V)).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

ANB

ANB

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